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Filing Date	Feb 11, 2004
First Named Inventor	Sanders, Susan Q.
Art Unit	
Examiner Name	
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Date	April 4, 2007	Reg. No.	31663

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Sanders, et al.

Application No.: 10/776,069

Filed: 2/11/2004

Title: An Improved Internet Directory System

Art Unit:
2168

Examiner:
Morrison

Attorney Docket No.: 50160

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

APPEAL BRIEF

(i) Real Party in Interest

The real party in interest is Susan Q. Sanders.

(ii) Related Appeals and Interfaces

There are no known prior and/or pending appeals, interferences, or judicial proceedings known to appellant, the appellant's legal representative or assignee which may be related to, directly affect or be directly affected by, or have a bearing on, the Board's decision on the pending Appeal, to our best knowledge.

(iii) Status of the Claims

Claims 1-42 are pending. Claims 1-42 are rejected. Claims 1-42 are appealed. The independent claims are system claim 1 and method claim 22.

(iv) Status of Amendments

The status of claim amendments filed subsequent to final rejection to clarify certain matters for appeal is not known. (An Amendment after Final is attached in the Evidence Appendix. A Claims Appendix is attached both with and without the amendment.)

(v) Summary of Claimed Subject Matter

Concise Summary of the Invention

Taken from Specification

Statement of the Problem and Prior Art Solutions

"Due to the enormous volume of content associated with the Internet, it is not unusual for search engines to identify thousands, if not millions of web sites as the outcome of a single search query. These results are bundled and presented to the User in groups of 10 to 25. The viewer is automatically presented the first group/page of sites, then must request any additional listings. As a result, the competition is stiff to be included in the top/first group of websites. Some websites pay fees to boost

their rankings, while others might enter into strategic partnerships or reciprocal agreements to improve their position. As a result the top listings may not be the best websites, or most the popular in that category.

10 “By contrast, Internet Directories organize the web by super categories, then by categories and subcategories. This allows users to further define their search at each new level, reducing the number of potential “hits,” and increasing the quality of the response. Fig. 1 provides a flow chart of Internet Directories’ prior art. A user first chooses an Internet Service Provider (ISP) or Search Engine 10, electing to use its Internet Directory for the search, reviews a predefined list, and with the click of a
15 mouse selects a specific field or super category 12. With each click, the universe of the search is narrowed and the User is moved to the lower level of categories 13. The process continues to subcategories 18 until the options are reduced to a manageable size and the targeted URL is located. A hypertext link then transports the user to the desired site.

20 “A drawback to this approach is each category/subcategory needs to be monitored, managed and updated to ensure the quality of the directory and the success of a search. With a potential of thousands or even millions of categories and subcategories this can be a costly proposition.

25 “To manage this problem, “Open Directory Project” (copyright 1998-2003 Netscape) enlists the services of almost 55,000 volunteer editors. These editors cannot begin to cover the over 460,000 categories or the 3.8 million websites (only about 10% of Google’s websites) in the Open Directory database. These volunteers get paid nothing, and as is best understood have little or no training and do not have a vested interest in the success of the site.” [Spec. page 1 line 20 –page 2 line 13]

30 “A subset of Internet Directory is the Electronic Yellow Pages (EYP). The EYP is an electronic version of the Yellow Pages Telephone Books. ... Like the Internet Directories, each EYP operates as a individual business. There are several drawbacks to this monolithic business model. First to compete, each competitor replicates this enormous structure. This means the same basic service is being offered to the same universe of businesses. With over 3 million EYPs, the dollars from listed businesses and from advertising is thinly spread across the EYP industry. Second, EYPs that charge to list a business will have incomplete databases that can limit EYP effectiveness and value to users.” [Spec page 2 lines 23-24, page 3 lines 1-6.]

35 “To provide category management and specialized support, there are a growing number of independent Directory Websites. These websites provide a list of businesses in their category with hypertext links to related webpages. As independent businesses dedicating to providing a Directory Website (also known as a portal) for a specific category, they can tailor their website and the services it provides to best support that category.

“Unfortunately, all these sites are not listed in an Internet Directory Service, and the URLs do not identify them as directory sites, making them difficult to locate. When one is located, it may or may not contain the comprehensive listings expected. For example, “doctors.com” does not provide a roster of all medical doctors by location and specialty, but does list 10 health associations with links to their sites. On the other hand, “physicians.com” does list medical doctors, but only plastic surgeons. “Lawyers.com” provides a comprehensive list of all the attorneys and law firms in the United States, but “attorneys.com” does not. It is hit or miss to both find these sites and to find sites with comprehensive listings.” [Spec page 3 line 9-21.]

Statement of Solution of Instant Invention

“The basic system of the instant improved Internet Directory includes at least one upper- level Directory Provider (DP). The upper-level Directory Provider is envisioned to be one (or more) ISPs or Search Engines, but could be a different entity with suitable capabilities. The DP (which may be frequently referred to as if it were an ISP) maintains a directory referencing all participating independent directory websites, referred to as Category Directory Websites (CDWs). The System includes identification of the CDWs by some mark, preferably a portion of a URL, and the imposition of a business plan or business model, primarily on the CDWs. At least one aspect of a business plan or model may be imposed at the DP level. At least one DP may have imposed on it a standard of comprehensiveness in covering all relevant categories with a CDW. The business plan or model may have portions focused toward the economics of the System and portions focused toward user standards, including user attraction/retention/affinity issues. For instance, user standards could provide a standard for design, technology and content of a CDW site.

“The System includes a plurality of participating CDWs, independently owned, at least with respect to each other and the at least one DP. (Of course, some CDWs could end up commonly owned or controlled.) The CDWs are for-profit and provide a directory with respect to a category, referencing therein all participating and/or relevant websites (WSs). At least some of the WSs should be charged for at least one service. One service could be simply the listing. The WSs might be charged only for enhancements of their listings. The business model or plan preferably provides for a CDW to be substantially funded by payments from WSs, and for expenses for advertisement by the CDWs in order to promote the category and/or the site, being substantially offset by income from offering advertising space on the site. Alternately, an advertising firm could trade one for the other.

“The business plan or model might include elements intended to attract and retain user affinity, such as relevant category definitions; common, uniform and user friendly organizational structure for the directories; requirements of comprehensiveness for securing a sufficient number of and percent of participating websites taking into consideration the nature of the category; minimum standards for

updating website references, including adding new websites and deleting no longer viable websites; and quality standards for requiring a certain quality of presentation for participating websites.” [Spec page 5 line 10- page 6 line 9.]

10 Map of Independent Claims 1 and 22 to Spec and Drawings

1. (Original) **An improved Internet Directory System, comprising:**

(A) **at least one upper-level Directory Provider (DP), [10, 12 above line 20 of Fig 2; Spec page 11, line 4-6] providing a directory of at least upper-level fields and/or super-categories and categories [12 in Fig 2], and referencing a plurality of independently owned (from each other and from the Directory Provider) for-profit Category Directory Websites (CDWs) [14 below line 20 of Fig 2; Spec page 11 line 7-8];**

(B) **the plurality of CDWs each providing at least a lower level directory [16, 18 in Fig 2] referencing websites (WSs) relating to a category [Spec page 11 lines 9-17];**

20 (C) **the CDWs being identified as Category Directory Websites participating in the System by at least a mark or a URL portion [Spec page 12 lines 21-23; page 13 line 8-10; page 15 lines 21-22; page 19 lines 4-5]; and**

(D) **a business model imposed on at least the CDWs [Spec page 15 lines 13-17; page 17 lines 14-15; page 18 line 15; page 19 lines 1-4].**

25 22. (Original) **A method for providing an Internet Directory System [Spec page 15 line 18 – page 19 line 5; Fig 4], comprising:**

(E) **organizing an independent for-profit directory website to reference websites within a category [Spec page 15 line 18 – page 18 line 15];**

30 (F) **participating in an Internet Directory System by said directory website by contracting to be referenced as one of a plurality of Category Directory Websites (CDW) on at least one independent upper-level Directory Provider’s (DP) upper-level directory of at least fields and/or super-categories and categories, the upper-level directory referencing the CDWs [Spec page 12 line 25-26; page 13 line 19; page 18 line 11-15];**

(G) **adopting a URL portion or a mark identifying said directory website as a participating Category Directory Website [Spec page 15 lines 21-25; page 18 lines 8-10]; and**

35 (H) **abiding by a System business model imposed on said Category Directory Websites [Spec page 18 line 15].**

Note: Element lettering is added above for clarity of reference.

Note: Claims 21 and 36, 16 and 17 and 18, 26 and 38 are also argued with respect to §112 matters.

40 (vi) **Grounds of Rejection to be Reviewed on Appeal**

Formal Grounds - §112

(1) Whether “more than simply geographic” in claims 21 and 36 complies with the written description requirement and the definiteness requirement of §112.

10 (2) Whether the acronym “TLD” has a sufficient antecedent basis in claims 16 and 17.

(3) Whether the phrase “cutting-edge technology,” as found in claims 18, 26 and 38, complies with the definiteness requirement of §112.

Substantive Grounds - §103

(4) Whether the independent claims are obvious over PriceWatch in view of Yahoo.

15 (a) More particularly, whether the Examiner makes a prima facie case, finding every element of the independent claims in the references; and

(b) whether the Examiner adequately demonstrates motive, teaching, or suggestion for combining any prior art to reach applicant’s invention.

(vii) Argument

20 Formal Grounds (1)-(3)

Applicant submits that the amendments filed with the Notice of Appeal will remove the objections to the acronym “TLD” of claims 16 and 17 and the phrase “more than simply geographic” in claims 21 and 36. Basis for the amendments is cited in the Amendment after Final, attached in the Evidence Appendix.

25 Applicant submits that the evidence submitted with the Amendment after Final (see Evidence Appendix hereto) evidences that the phrase “cutting-edge technology” as found in claims 18, 26 and 38, is sufficiently definite, recognized and well known to satisfy the definiteness requirements of §112. Cutting-edge technologies exist and can be identified today. Cutting-edge technologies will exist and will be able to be identified in ten years. These technologies are not likely to be the same, however. That
30 situation is true for many terms in patent claims. For instance, a “pharmaceutically acceptable excipient” in a drug patent would exist today and would exist in ten years, but would not be likely to be the same. Such does not prevent the use of the phrase in patent claims.

Substantive Ground (4)

(a) Failure to Make a Prima Facie Case – Failure to Locate All Elements of Independent Claim 1 and

35 Independent Claim 22 in the References

Preliminary Matter – the Examiner’s Position Lacks Clarity and Definiteness [re Elements (B) and (F) of Independent Claims]

40 Applicant submits that a general reference to “page 2” of PriceWatch does not adequately or clearly point out where, specifically, the Examiner identifies a “category directory website” in PriceWatch. Upon receiving the first Office Action applicant’s attorney requested clarification as per

claim elements (B) and (F) in a phone interview. Applicant requested the Examiner's position as to what or where on "page 2" the Examiner identified a "category directory website." See Examiner Interview Summary in Evidence Appendix. The Examiner, however, has not yet definitely clarified his position.

10 Applicant does not identify any CDW on page 2.

No Category Directory Website is Properly Identified by Examiner [re Elements (B) and (F) of Independent Claims]

The Examiner admits that PriceWatch does not disclose element (A) of claim 1, e.g.: "at least one upper-level Directory Provider (DP), providing a directory of at least upper-level fields and/or super-
15 categories and categories, and referencing a plurality of independently owned (from each other and from the Directory Provider) for-profit Category Directory Websites (CDWs)." Emphasis supplied. See Final Office Action, page 5. Applicant submits, therefore, that subsequently asserting that PriceWatch teaches element B of claim 1, e.g.: "the plurality of CDWs each providing at least a lower level directory referencing websites (WSs) relating to a category," is inconsistent with the prior admission. Further,
20 PriceWatch does not appear to disclose any CDW. The Examiner has identified no CDWs in PriceWatch. Applicant submits that a general reference to "page 2" is insufficient to identify such CDW. See above.

Examiner Fails to Find "CDWs, Identified as Participating in the System by at Least a Mark or a URL Portion" [Re Element (C) and (G) of Independent Claims]

25 In the Response to Argument section of the Final Action, the Examiner clarified his position to be that the "Buy Online" link found on PriceWatch, page 3, "identifies the directory website as participating."

Applicant submits: (1) no reasonable consumer would view a "Buy Online" link as a mark, or a URL portion, which identifies an entity, such as a Category Directory Website, as participating in an
30 Improved Internet Directory System. A "Buy On-Line" link is a functional mechanism of a web selling site. (2) The Examiner finesses the issue of who exactly is "the directory website" that is allegedly so identified. (3) To the extent that it is relevant to speculate, no reasonable person would identify "Accubyte" as a "Category Directory Website."

Examiner Fails to Find "a Business Model Imposed on at Least the CDWs" [Elements (D) and (H) of Independent Claims]

35 The Examiner asserts, in Response to Argument page 17, that "requirements of advertisers is a business model imposed on at least the CDWs." Applicant respectfully traverses. Only authorized, qualified, computer retailers can advertise on PriceWatch, as per PriceWatch statement to that effect on page 5. The ten "advertising requirements" are not imposed on "CDWs" but upon "authorized qualified
40 computer retailers" who desire to advertise on PriceWatch. These computer retailers may be websites.

They are not Category Directory Websites providing lower level directories and referencing websites. Element (D) of claim 1 and (H) of claim 22 have not been met.

(b) Examiner's Evidence of Motivation to Combine Inadequate

The Examiner does not adequately demonstrate motive for combining any prior art to reach applicant's invention. The Examiner asserts on page 6 of the Final Action that those of skill in the art could have reached applicant's invention by combining two well known internet sites into one, giving a user the advantage of having more and better choices as a consumer. The Examiner does not specify exactly what the combination is, exactly what is picked from one site and is picked from another. The propriety of the combination that the Examiner envisions cannot be addressed.

Applicant submits further that the statement of generalized motivation to combine is insufficient to motivate or to teach how to combine just specific aspects of certain prior art sites, were such sites located, into applicant's invention to solve applicant's problem. The generalized motive statement is insufficiently specific to the problems of the industry, as addressed by applicant, and to the prior art solutions thereto. The proffered motive provides no guidance for picking and choosing between possibilities.

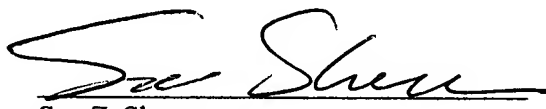
Conclusion

Applicant submits that the formal grounds for rejection on §112 have been overcome in the Response After Final. Applicant has amended to clarify two phrases and has submitted evidence that the third phrase is sufficiently definite.

Applicant submits that the Examiner's obviousness rejection fails for lack of making a prima facie case. The Examiner has not identified every element of the independent claims in the references. The Examiner has not adequately demonstrated motive for combining any prior art to reach applicant's invention.

Respectfully Submitted,

4/5/7
Date


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(viii) Claims Appendix

(viii) Claims Appendix
(as per proposed Amendments)*

What is claimed is:

- 10 1. (Original) An improved Internet Directory System, comprising:
 at least one upper-level Directory Provider (DP), providing a directory of at least upper-
level fields and/or super-categories and categories, and referencing a plurality of independently owned
(from each other and from the Directory Provider) for-profit Category Directory Websites (CDWs);
 the plurality of CDWs each providing at least a lower level directory referencing
15 websites (WSs) relating to a category;
 the CDWs being identified as Category Directory Websites participating in the System
by at least a mark or a URL portion; and
 a business model imposed on at least the CDWs.
- 20 2. (Original) The System of claim 1 wherein the business model includes standards of operation
imposed on the plurality of CDWs by the System.
3. (Original) The System of claim 2 wherein a standard of operation includes professional
management.
4. (Previously Presented) The System of claim 2 wherein a standard of operation includes
organization and comprehensiveness.
- 25 5. (Original) The System of claim 2 wherein a standard of operation includes up-to-dateness.
6. (Previously Presented) The System of claim 2 wherein a standard of operation, imposed on at
least a subset of CDWs, includes a CDW offering web sites at least one of an option to move to a secure
site to negotiate a purchase and an organization of pertinent comparative data on a subject within the
category.
- 30 7. (Original) The System of claim 1 wherein the business model includes charging at least some
WSs for being referenced.
8. (Previously Presented) The System of claim 1 wherein the business model includes at least
some WSs being charged for at least one service offered by a CDW.
9. (Original) The System of claim 1 wherein the business model includes a participating CDW
35 providing advertising space on its site.

* In the instant version of the claims, as per proposed amendments, two typos in the claims attached to the Response After Final have been noticed and corrected. Claim 4 in the claim amendment sheet associated with the Response After Final erroneously included "at." Claim 38 erroneously omitted the words "cutting-edge technology."

10. (Previously Presented) The System of claim 1 wherein the business model includes a CDW promoting, by advertising, at least one of its referenced websites.

11. (Original) The System of claim 1 wherein the business model includes at least one advertising/promotion firm that provides advertising/promotion for a category and/or a CDW site substantially in return for advertising space on a CDW site.

12. (Original) The System of claim 1 wherein the business model includes offering web page enhancement services at a volume discount.

13. (Original) The System of claim 1 wherein the business model includes substantially funding operation of a CDW by payments from WSs.

14. (Previously Presented) The System of claim 1 wherein the business model includes selection of categories by CDWs large enough to support a website and small enough to be managed according to the business plan.

15. (Previously Presented) The System of claim 1 wherein the business model includes contracting by at least one DP with a plurality of CDWs to secure a comprehensive listing of CDWs.

16. (Currently Amended) The System of claim 1 wherein the URL portion comprises a TLD (three letter extension after the “dot”).

17. (Currently Amended) The System of claim 16 wherein the URL portion comprises a TLD (three letter extension after the “dot.”)unique to CDWs in the system.

18. (Previously Presented) The System of claim 1 wherein the business model includes at least one cutting edge technology cost effectively offered to appropriate referenced WSs.

19. (Original) The System of claim 1 wherein the plurality includes hundreds.

20. (Original) The System of claim 1 wherein the Directory Provider comprises an ISP or Search Engine.

21. (Currently Amended) The System of claim 1 wherein 1) the category and 2) at least one field and/or super-category are both more than simply indicators of geographic categories of city, state, region or nation.

22. (Original) A method for providing an Internet Directory System, comprising:

organizing an independent for-profit directory website to reference websites within a category;

participating in an Internet Directory System by said directory website by contracting to be referenced as one of a plurality of Category Directory Websites (CDW) on at least one independent upper-level Directory Provider's (DP) upper-level directory of at least fields and/or super-categories and categories, the upper-level directory referencing the CDWs;

adopting a URL portion or a mark identifying said directory website as a participating Category Directory Website; and

abiding by a System business model imposed on said Category Directory Websites.

23. (Original) The method of claim 22 wherein the business model includes standards of operation.

24. (Currently Amended) The method of claim 22 wherein the URL portion comprises a TLD
5 (three letter extension after the “dot”).

25. (Currently Amended) The method of claim 22 wherein the URL portion comprises a TLD
(three letter extension after the “dot”) unique to CDWs in the system.

26. (Previously Presented) The method of claim 22 wherein the business model includes offering at least one cutting edge technology cost effectively to appropriate referenced WSs.

10 27. (Previously Presented) The method of claim 23 wherein a standard of operation includes professional management.

28. (Previously Presented) The method of claim 23 wherein a standard of operation includes organization and comprehensiveness.

15 29. (Previously Presented) The method of claim 23 wherein a standard of operation includes up-to-dateness.

30. (Previously Presented) The method of claim 22 wherein the business model includes providing advertising space on a CDW site.

31. (Previously Presented) The method of claim 22 wherein the business model includes promoting at least one site by advertising.

20 32. (Previously Presented) The method of claim 22 wherein the Directory Provider includes an ISP and/or a Search Engine.

33. (Previously Presented) The method of claim 22 wherein the business model includes providing advertising promotion for a CDW site in return for receiving advertising space on a CDW site.

25 34. (Previously Presented) The method of claim 22 wherein the business model includes, for at least a subset of CDWs, offering web sites at least one of an option to move to a secure site to negotiate a purchase and an organization of pertinent comparative data on a subject within the category.

35. (Previously Presented) The method of claim 22 wherein the business model includes charging at least some websites for at least one service such that a profit is made.

30 36. (Currently Amended) The method of claim 22 wherein (1) the category and (2) at least one field and/or super-category are both more than simply indicators of geographic categories of city, state, region or nation.

35 37. (Previously Presented) The system of claim 1 wherein the business model includes minimal standards for websites to be included in a directory, for updating website references including adding new websites and for deleting no longer viable websites and standards for certain quality of presentation for participating websites.

38. (Previously Presented) The system of claim 1 wherein the business model includes the CDW being substantially funded through an offer of enhanced listings and value added services, including cutting-edge technology where appropriate, to web sites, such services tailored to a category and specifically designed to attract and retain viewers.

5 39. (Previously Presented) The method of claim 22 that includes the upper level fields and/or super-categories being organized to contain CDWs which pay the DP to be listed in one or more fields, the fee based on a number of web pages hosted or linked to the CDW.

 40. (Previously Presented) The method of claim 22 that includes the CDWs contracting with an advertising/promotion firm for design, marketing and/or promotional services to be provided at no cost to
10 the CDW while the advertising/promotional firm sells advertising spots on the CDW and collects the revenue generated.

 41. (Previously Presented) The system of claim 19 wherein the plurality includes thousands.

 42. (Previously Presented) The method of claim 22 that includes the CDWs providing lists of business and/or web pages within their category and organizing those lists into sub-categories.

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(viii) Claims Appendix
(Prior to Proposed Amendments)

What is claimed is:

- 5 1. (Original) An improved Internet Directory System, comprising:
 at least one upper-level Directory Provider (DP), providing a directory of at least upper-
level fields and/or super-categories and categories, and referencing a plurality of independently owned
(from each other and from the Directory Provider) for-profit Category Directory Websites (CDWs);
 the plurality of CDWs each providing at least a lower level directory referencing
10 websites (WSs) relating to a category;
 the CDWs being identified as Category Directory Websites participating in the System
by at least a mark or a URL portion; and
 a business model imposed on at least the CDWs.
2. (Original) The System of claim 1 wherein the business model includes standards of operation
15 imposed on the plurality of CDWs by the System.
3. (Original) The System of claim 2 wherein a standard of operation includes professional
management.
4. (Previously Presented) The System of claim 2 wherein a standard of operation includes
organization and comprehensiveness.
- 20 5. (Original) The System of claim 2 wherein a standard of operation includes up-to-dateness.
6. (Previously Presented) The System of claim 2 wherein a standard of operation, imposed on at
least a subset of CDWs, includes a CDW offering web sites at least one of an option to move to a secure
site to negotiate a purchase and an organization of pertinent comparative data on a subject within the
category.
- 25 7. (Original) The System of claim 1 wherein the business model includes charging at least some
WSs for being referenced.
8. (Previously Presented) The System of claim 1 wherein the business model includes at least
some WSs being charged for at least one service offered by a CDW.
9. (Original) The System of claim 1 wherein the business model includes a participating CDW
30 providing advertising space on its site.
10. (Previously Presented) The System of claim 1 wherein the business model includes a CDW
promoting, by advertising, at least one of its referenced websites.
11. (Original) The System of claim 1 wherein the business model includes at least one
advertising/promotion firm that provides advertising/promotion for a category and/or a CDW site
35 substantially in return for advertising space on a CDW site.

12. (Original) The System of claim 1 wherein the business model includes offering web page enhancement services at a volume discount.

13. (Original) The System of claim 1 wherein the business model includes substantially funding operation of a CDW by payments from WSs.

5 14. (Previously Presented) The System of claim 1 wherein the business model includes selection of categories by CDWs large enough to support a website and small enough to be managed according to the business plan.

15. (Previously Presented) The System of claim 1 wherein the business model includes contracting by at least one DP with a plurality of CDWs to secure a comprehensive listing of CDWs.

10 16. (Original) The System of claim 1 wherein the URL portion comprises a TLD.

17. (Previously Presented) The System of claim 16 wherein the URL portion comprises a TLD unique to CDWs in the system.

18. (Previously Presented) The System of claim 1 wherein the business model includes at least one cutting edge technology cost effectively offered to appropriate referenced WSs.

15 19. (Original) The System of claim 1 wherein the plurality includes hundreds.

20. (Original) The System of claim 1 wherein the Directory Provider comprises an ISP or Search Engine.

21. (Original) The System of claim 1 wherein 1) the category and 2) at least one field and/or super-category are both more than simply geographic.

20 22. (Original) A method for providing an Internet Directory System, comprising:

organizing an independent for-profit directory website to reference websites within a category;

25 participating in an Internet Directory System by said directory website by contracting to be referenced as one of a plurality of Category Directory Websites (CDW) on at least one independent upper-level Directory Provider's (DP) upper-level directory of at least fields and/or super-categories and categories, the upper-level directory referencing the CDWs;

adopting a URL portion or a mark identifying said directory website as a participating Category Directory Website; and

abiding by a System business model imposed on said Category Directory Websites.

30 23. (Original) The method of claim 22 wherein the business model includes standards of operation.

24. (Previously Presented) The method of claim 22 wherein the URL portion comprises a TLD.

25. (Previously Presented) The method of claim 22 wherein the URL portion comprises a TLD unique to CDWs in the system.

26. (Previously Presented) The method of claim 22 wherein the business model includes offering at least one cutting edge technology cost effectively to appropriate referenced WSs.

27. (Previously Presented) The method of claim 23 wherein a standard of operation includes professional management.

5 28. (Previously Presented) The method of claim 23 wherein a standard of operation includes ~~at~~ organization and comprehensiveness.

29. (Previously Presented) The method of claim 23 wherein a standard of operation includes up-to-dateness.

10 30. (Previously Presented) The method of claim 22 wherein the business model includes providing advertising space on a CDW site.

31. (Previously Presented) The method of claim 22 wherein the business model includes promoting at least one site by advertising.

32. (Previously Presented) The method of claim 22 wherein the Directory Provider includes an ISP and/or a Search Engine.

15 33. (Previously Presented) The method of claim 22 wherein the business model includes providing advertising promotion for a CDW site in return for receiving advertising space on a CDW site.

34. (Previously Presented) The method of claim 22 wherein the business model includes, for at least a subset of CDWs, offering web sites at least one of an option to move to a secure site to negotiate a purchase and an organization of pertinent comparative data on a subject within the category.

20 35. (Previously Presented) The method of claim 22 wherein the business model includes charging at least some websites for at least one service such that a profit is made.

36. (Original) The method of claim 22 wherein (1) the category and (2) at least one field and/or super-category are both more than simply geographic.

25 37. (Previously Presented) The system of claim 1 wherein the business model includes minimal standards for websites to be included in a directory, for updating website references including adding new websites and for deleting no longer viable websites and standards for certain quality of presentation for participating websites.

30 38. (Previously Presented) The system of claim 1 wherein the business model includes the CDW being substantially funded through an offer of enhanced listings and value added services, including cutting-edge technology where appropriate, to web sites, such services tailored to a category and specifically designed to attract and retain viewers.

39. (Previously Presented) The method of claim 22 that includes the upper level fields and/or super-categories being organized to contain CDWs which pay the DP to be listed in one or more fields, the fee based on a number of web pages hosted or linked to the CDW.

40. (Previously Presented) The method of claim 22 that includes the CDWs contracting with an advertising/promotion firm for design, marketing and/or promotional services to be provided at no cost to the CDW while the advertising/promotional firm sells advertising spots on the CDW and collects the revenue generated.

5 41. (Previously Presented) The system of claim 19 wherein the plurality includes thousands.

42. (Previously Presented) The method of claim 22 that includes the CDWs providing lists of business and/or web pages within their category and organizing those lists into sub-categories.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Sanders, et al.

Application No.: 10/776,069

Filed: 2/11/2004

Title: An Improved Internet Directory System

Attorney Docket No.: 50160

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Art Unit:
2168

Examiner:
Morrison

AMENDMENT AND
RESPONSE AFTER FINAL UNDER §1.116
ASSOCIATED WITH THE FILING OF AN APPEAL

15 Dear Sir:

In response to the Office Action of January 25, 2007, please amend this application as follows:

In the claims:

As per the attached amended claims sheets.

20

REMARKS

Applicant does not agree that the phrase "more than simply geographic," found in claims 21 and 36, is not sufficiently described in the specification, or that it does not sufficiently define what is being claimed. However, applicant amends that phrase herein in claims 21 and 36 to simplify matters for appeal. Basis for the amendment is found in the specification on page 4 line 19.

25

Applicant also does not agree that "TLD" as it occurs in claim 16, 17, 24, and 25 lacks sufficient antecedent basis. However, to simply matters for appeal, applicant amends claims 16, 17, 24 and 25 to add the meaning of "TLD" in parens after the term, namely three letter extension after the "dot." Basis for the amendment is found on page 12 line 22 of the specification, for one instance.

30

Applicant submits herewith evidence that "cutting-edge technology," as found in claims 18, 26 and 38, is a defined and well known phrase that would be used by and recognized by one of ordinary skill in the art. The phrase is sufficiently definite to appraise one of skill in the art of the scope of the claim.


35

The above amendments and evidence could not reasonably have been made or submitted earlier because applicant reasonably believed that such were unnecessary.

Respectfully Submitted,

10

2/21/12
Date


Sue Z. Shaper
Attorney/Agent for Applicant(s)
Reg. No. 31663

15

Sue Z. Shaper
1800 West Loop South, Suite 1450
Houston, Texas 77027
Tel. 713 550 5710

20

CLAIM AMENDMENT SHEET

What is claimed is:

1. (Original) An improved Internet Directory System, comprising:
 - at least one upper-level Directory Provider (DP), providing a directory of at least upper-level fields and/or super-categories and categories, and referencing a plurality of independently owned (from each other and from the Directory Provider) for-profit Category Directory Websites (CDWs);
 - the plurality of CDWs each providing at least a lower level directory referencing websites (WSs) relating to a category;
 - the CDWs being identified as Category Directory Websites participating in the System by at least a mark or a URL portion; and
 - a business model imposed on at least the CDWs.
2. (Original) The System of claim 1 wherein the business model includes standards of operation imposed on the plurality of CDWs by the System.
3. (Original) The System of claim 2 wherein a standard of operation includes professional management.
4. (Previously Presented) The System of claim 2 wherein a standard of operation includes at organization and comprehensiveness.
5. (Original) The System of claim 2 wherein a standard of operation includes up-to-dateness.
6. (Previously Presented) The System of claim 2 wherein a standard of operation, imposed on at least a subset of CDWs, includes a CDW offering web sites at least one of an option to move to a secure site to negotiate a purchase and an organization of pertinent comparative data on a subject within the category.
7. (Original) The System of claim 1 wherein the business model includes charging at least some WSs for being referenced.
8. (Previously Presented) The System of claim 1 wherein the business model includes at least some WSs being charged for at least one service offered by a CDW.
9. (Original) The System of claim 1 wherein the business model includes a participating CDW providing advertising space on its site.
10. (Previously Presented) The System of claim 1 wherein the business model includes a CDW promoting, by advertising, at least one of its referenced websites.
11. (Original) The System of claim 1 wherein the business model includes at least one advertising/promotion firm that provides advertising/promotion for a category and/or a CDW site substantially in return for advertising space on a CDW site.
12. (Original) The System of claim 1 wherein the business model includes offering web page enhancement services at a volume discount.

13. (Original) The System of claim 1 wherein the business model includes substantially funding operation of a CDW by payments from WSs.

14. (Previously Presented) The System of claim 1 wherein the business model includes selection of categories by CDWs large enough to support a website and small enough to be managed according to the business plan.

15. (Previously Presented) The System of claim 1 wherein the business model includes contracting by at least one DP with a plurality of CDWs to secure a comprehensive listing of CDWs.

16. (Currently Amended) The System of claim 1 wherein the URL portion comprises a TLD (three letter extension after the "dot").

17. (Currently Amended) The System of claim 16 wherein the URL portion comprises a TLD (three letter extension after the "dot,") unique to CDWs in the system.

18. (Previously Presented) The System of claim 1 wherein the business model includes at least one cutting edge technology cost effectively offered to appropriate referenced WSs.

19. (Original) The System of claim 1 wherein the plurality includes hundreds.

20. (Original) The System of claim 1 wherein the Directory Provider comprises an ISP or Search Engine.

21. (Currently Amended) The System of claim 1 wherein 1) the category and 2) at least one field and/or super-category are both more than simply indicators of geographic categories of city, state, region or nation.

22. (Original) A method for providing an Internet Directory System, comprising:
organizing an independent for-profit directory website to reference websites within a category;

participating in an Internet Directory System by said directory website by contracting to be referenced as one of a plurality of Category Directory Websites (CDW) on at least one independent upper-level Directory Provider's (DP) upper-level directory of at least fields and/or super-categories and categories, the upper-level directory referencing the CDWs;

adopting a URL portion or a mark identifying said directory website as a participating Category Directory Website; and

abiding by a System business model imposed on said Category Directory Websites.

23. (Original) The method of claim 22 wherein the business model includes standards of operation.

24. (Currently Amended) The method of claim 22 wherein the URL portion comprises a TLD (three letter extension after the "dot").

25. (Currently Amended) The method of claim 22 wherein the URL portion comprises a TLD (three letter extension after the "dot") unique to CDWs in the system.

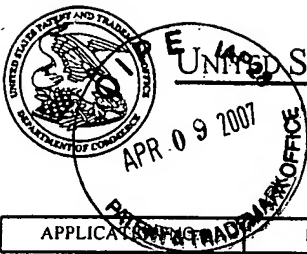
26. (Previously Presented) The method of claim 22 wherein the business model includes offering at least one cutting edge technology cost effectively to appropriate referenced WSs.
27. (Previously Presented) The method of claim 23 wherein a standard of operation includes professional management.
28. (Previously Presented) The method of claim 23 wherein a standard of operation includes at-organization and comprehensiveness.
29. (Previously Presented) The method of claim 23 wherein a standard of operation includes up-to-dateness.
30. (Previously Presented) The method of claim 22 wherein the business model includes providing advertising space on a CDW site.
31. (Previously Presented) The method of claim 22 wherein the business model includes promoting at least one site by advertising.
32. (Previously Presented) The method of claim 22 wherein the Directory Provider includes an ISP and/or a Search Engine.
33. (Previously Presented) The method of claim 22 wherein the business model includes providing advertising promotion for a CDW site in return for receiving advertising space on a CDW site.
34. (Previously Presented) The method of claim 22 wherein the business model includes, for at least a subset of CDWs, offering web sites at least one of an option to move to a secure site to negotiate a purchase and an organization of pertinent comparative data on a subject within the category.
35. (Previously Presented) The method of claim 22 wherein the business model includes charging at least some websites for at least one service such that a profit is made.
36. (Currently Amended) The method of claim 22 wherein (1) the category and (2) at least one field and/or super-category are both more than simply indicators of geographic categories of city, state, region or nation.
37. (Previously Presented) The system of claim 1 wherein the business model includes minimal standards for websites to be included in a directory, for updating website references including adding new websites and for deleting no longer viable websites and standards for certain quality of presentation for participating websites.
38. (Previously Presented) The system of claim 1 wherein the business model includes the CDW being substantially funded through an offer of enhanced listings and value added services, including where appropriate, to web sites, such services tailored to a category and specifically designed to attract and retain viewers.

39. (Previously Presented) The method of claim 22 that includes the upper level fields and/or super-categories being organized to contain CDWs which pay the DP to be listed in one or more fields, the fee based on a number of web pages hosted or linked to the CDW.

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41. (Previously Presented) The system of claim 19 wherein the plurality includes thousands.

42. (Previously Presented) The method of claim 22 that includes the CDWs providing lists of business and/or web pages within their category and organizing those lists into sub-categories.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,069	02/11/2004	Susan Q. Sanders	50160	2097

22929 7590 09/22/2006

SUE Z. SHAPER, P.C.
1800 WEST LOOP SOUTH
SUITE 1450
HOUSTON, TX 77027

EXAMINER

MORRISON, JAY A

ART UNIT	PAPER NUMBER
----------	--------------

2168

DATE MAILED: 09/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Year in Review 2001: special-report

Year in Review 2001: special-report

Design for the Third Millennium

At the turn of the millennium, new product design—both functional and visually striking—was being showcased in homes around the world, defined the look of cars, and offered innovative styles for the products used for office or household work. Design not only reflected the current culture but also harkened back to the past as well as showing the promise of times to come—a future embodied in metallic, luminescent, and translucent objects that were also fluid, organic, humanistic, and often whimsical. The product that best exemplified this vision was the Apple iMac personal computer, which, less than two years after its introduction, paved the way for a flood of other home and office products similarly encased in tinted translucent plastic. The iMac's softer, rounder form was also incorporated into the design of such unglamorous everyday objects as the Umbra Garbino wastebasket, Michael Graves's toilet brush for Target, and OXO's Good Grips kitchen tools.

Sleek car designs beckoned to the future, while others embraced the past, notably the new Volkswagen Beetle, the Chrysler PT Cruiser, and the Ford Thunderbird. The office landscape was changing too as the regulation cubicle and padded chair were being banished by Herman Miller's Resolve office system and Aeron chair and Studio eG's ecowork system. The cutting-edge design of the latter two included the use of recycled materials.

The introduction of new handheld technology also had an effect on design. Products such as the Motorola Talkabout, Nokia's brightly coloured cellular phones, and the Palm VII personal digital assistant were developed with the use of existing design trends, but they represented an early glimpse of the wireless revolution that could eventually connect the workplace to the home as well as owners to their possessions and ultimately people to one another. The biggest impact on product design and daily life, however, probably would come from the continued miniaturization of new technology.

Patrick Coyne is editor and designer of *Communication Arts* magazine.

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Web

Related phrases: [cutting-edge technology](#)

Definitions of **cutting-edge** on the Web:

- up-to-date: in accord with the most fashionable ideas or style; "wears only the latest style"; "the last thing in swimwear"; "cutting-edge technology"; "a with-it boutique"
wordnet.princeton.edu/perl/webwn
- Cutting edge is a term used to describe the creations of the small number of persons or groups who are at the frontier of progress in a field, especially science. For instance, cutting edge technology refers to technology that is the most advanced and most original technology available at the time.
en.wikipedia.org/wiki/Cutting-edge

define:cutting-edge

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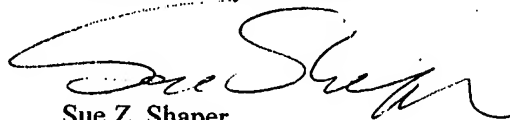


APPLICANT SUMMARY OF EXAMINER INTERVIEW

Applicant's attorney talked with Examiner Morrison on September 7, 2006. The Examiner agreed to write a phone conference summary report, which has been received.

In the phone conference the Examiner clarified that PriceWatch was cited as a CDW. The Examiner could not clarify where, on the cited page 3 of PriceWatch, the Examiner found a common mark or URL to be used by a plurality of CDWs, identifying them as participating in the system. The Examiner also could not clarify where he found a business model, on the cited pages 4-5 of PriceWatch, to be imposed on a plurality of CDWs. (The Examiner agreed that he had noticed in PriceWatch a business model imposed by PriceWatch on the websites which PriceWatch cataloged. Applicant pointed out that this is not what the claim recited. Rather, the claim recites a business model imposed on the CDWs. The Examiner instructed Applicant to make this point in the Response.)

Respectfully Submitted,



Sue Z. Shaper



Interview Summary

Application No.	Applicant(s)	
10/776,069	SANDERS ET AL.	
Examiner	Art Unit	
Jay A. Morrison	2168	

All participants (applicant, applicant's representative, PTO personnel):

- (1) Jay A. Morrison, Examiner of Record. (3) _____
(2) Sue Shaper (Reg Num. 31,663). (4) _____

Date of Interview: 07 September 2006.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
If Yes, brief description: _____

Claim(s) discussed: 1.

Identification of prior art discussed: Pricewatch.com and Yahoo.com.

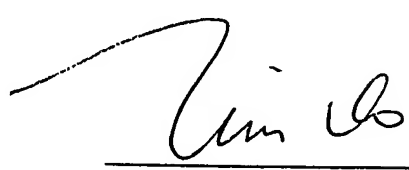
Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: see Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.


Examiner's signature, if required

The 35 USC 103 rejections based on the Pricewatch.com reference were discussed. Applicant described how the inventor saw the invention as applying a business model and standard of operation to independantly owned websites in order to ensure that the customer could know that they met a certain standard of performance and quality. The application of the pricewatch.com and yahoo.com references given by the Examiner were questioned as to how they taught these elements. No agreement was reached, and the examiner suggested that the Applicant could consider further describing the invention in the independent claim which could help move forward the prosecution of the Application.

(x) Related Proceedings Appendix

None

(ix) Evidence Appendix

Table of Contents

- (1) Amendment after Final**
- (2) Examiner's Phone Interview**